

### **Remarks**

Claims 1 to 14 are pending in the application. Claims 1 to 12 and 14 are subject to a restriction requirement. Claim 13 is cancelled. Applicants traverse the restriction and request reconsideration and withdrawal of the restriction requirement for the reasons set forth herein.

### **Restriction Requirement Under 35 U.S.C. §§ 121**

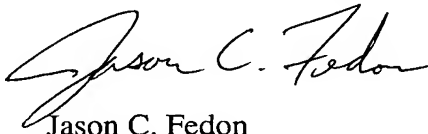
Applicants traverse the restriction. While the groups identified may be distinct, they are not independent because they arose from the same research effort. In addition, the Examiner suggests that Rouppe van der Voort *et al.* discloses compositions comprising blebs containing different amounts of PorA. The Applicants disagree, with this suggestion. In fact, Table 1 of Rouppe van der Voort *et al.* merely indicates different mutant strains which are used by the authors as intact strains to check whether their PorA based bleb vaccine (replete with PorA) could kill these various strains. The final line of the document confirms this fact. At no point are blebs made from the mutant strains, furthermore there is no indication or motivation for a bleb deficient in PorA production to be combined with blebs which are not deficient. The whole paper is centered around testing bleb vaccines that are replete with not only a single PorA, but numerous recombinant PorAs (see page 2747, col 2, "Phase I study").

Applicants maintain that it is unreasonable for all meningococcal blebs deficient in PorA to be in separate examined groups. One embodiment of the invention is about generating a bleb vaccine that can both kill homologous and heterologous strains. This is achieved by combining blebs deficient in PorA with those replete with PorA (of an epidemic strain for instance). As no reference has been found which describes this inventive concept, there is no burden on the patent office in searching with respect to all meningococcal blebs deficient in PorA. In The level of PorA in the blebs is more important than the strain from which the blebs are isolated from.

Nevertheless, as required by the rules, Applicants wish to make an election of Group I, claims 1-5 and 7, drawn to meningoccal bleb compositions and vaccines comprising said compositions where the deficient bleb is derived from the strain CU-385.

The Applicants reserve the right to prosecute, in one or more patent applications, the canceled claims, the claims to non-elected inventions, the claims as originally filed, and any other claims supported by the specification. If it would expedite prosecution of this application, the Examiner is invited to confer with the Applicants' undersigned agent. If any additional fees or charges are required by this paper the Commissioner is hereby authorized to charge Deposit account 19-2570 accordingly.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jason C. Fedon".

Jason C. Fedon  
Agent for Applicants  
Registration No. 48,138

GLAXOSMITHKLINE  
Corporate Intellectual Property - UW2220  
P.O. Box 1539  
King of Prussia, PA 19406-0939  
Phone (610) 270-6150  
Facsimile (610) 270-5090